United Nations S/AC.52/2011/44

Security Council

Distr.: General
21 July 2011
English
Original: Spanish

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 23 June 2011 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

I have the honour to refer to your note of 25 March 2011 requesting the Government of Mexico to submit a report on measures taken to implement paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011) concerning the arms embargo, travel ban and assets freeze. The Permanent Mission of Mexico wishes to transmit the comments of the Government of Mexico in that connection (see annex).

(*Signed*) Claude **Heller**
Ambassador
Permanent Representative

11-54744 (E) 241011 261011

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Annex to the letter dated 23 June 2011 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

Comments by the Government of Mexico on the implementation of paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011)

Mexico promulgated the "Agreement on banning the export or import of various goods in the case of designated countries, entities and individuals", which was published in the Diario Oficial de la Federación (Official Gazette of the Federation) on 22 January 2009. This Agreement is designed to implement Security Council resolutions on trade embargos against designated countries, entities and individuals, in accordance with the provisions of the Foreign Trade Act, and sets out a general framework for implementation.

For the purposes of implementing the sanctions regime in Libya, the Government of Mexico has taken the following actions:

- **Arms embargo**. Legal and administrative measures to introduce amendments have been initiated and publication in the Official Gazette of the new agreement establishing a ban on arms trade with the sanctioned country is pending.
- **Assets freeze**. The Financial Intelligence Unit of the Ministry of Finance and Public Credit has been requested to disseminate the provisions of resolutions 1970 (2011) and 1973 (2011) to bank regulators and supervisors of foreign investment in the Mexican banking system in order to ensure that the necessary measures are taken with regard to financial assets and economic resources owned or controlled, directly or indirectly, by individuals or entities designated by the Committee established pursuant to resolution 1970 (2011).
- **Travel ban against individuals and entities**. The General Directorate of Consular Services of the Ministry of Foreign Affairs has given the Coordinating Office for Immigration Inspection and Control of the National Immigration Institute the names of the individuals listed by the Committee for the purposes of issuing the necessary immigration alerts and thereby preventing the entry of those individuals into the national territory.

The General Directorate of Consular Services has also posted the names of the individuals listed by the Committee on the Mexican consular website so that Mexican consulates abroad can detect any attempts by any of the listed individuals to apply for entry into the country.

The Ministry of Public Security, for its part, has adopted measures to prevent the entry into or transit through the national territory of the individuals listed by the Committee.

United Nations S/AC.52/2011/45

Security Council

Distr.: General
25 July 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 30 June 2011 from the Permanent Mission of the Republic of Belarus to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to forward the attached information on the actions taken by the Republic of Belarus to implement measures imposed by Security Council resolutions 1970 (2011) and 1973 (2011).

11-50830 (E) 220911 280911

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Annex to the note verbale dated 30 June 2011 from the Permanent Mission of the Republic of Belarus to the United Nations addressed to the Chair of the Committee

[Original: Russian]

The Ministry of Foreign Affairs of the Republic of Belarus informed the relevant national authorities of the adoption of Security Council resolutions 1970 (2011) and 1973 (2011) and of the need to implement these resolutions, including by taking the measures set out in paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011).

In implementation of paragraphs 9 and 10 of Security Council resolution 1970 (2011), the State organs of Belarus empowered to issue permits for the export and import of arms and military materiel have taken the necessary measures to prohibit the direct or indirect sale or transfer to the Libyan Arab Jamahiriya of arms and related materiel, technical assistance, training, and financial or other assistance related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel, and the procurement of such items from the Libyan Arab Jamahiriya by Belarusian entities or individuals.

Belarusian Customs has established a risk profile prescribing the types of customs controls to be used for goods sent to or received from the Libyan Arab Jamahiriya. In the event that such items are discovered, appropriate measures as set out in paragraphs 12 and 13 of Security Council resolution 1970 (2011) will be taken.

The texts of Security Council resolutions 1970 (2011) and 1973 (2011), together with appropriate guidance, have been provided to all entities authorized to engage in external trade activities involving specific goods and services.

With respect to paragraphs 9 and 10 of Security Council resolution 1970 (2011) and paragraphs 6 and 7 of Security Council resolution 1973 (2011), Belarusian air carriers and air cargo operators have been given appropriate guidance regarding the ban and/or restrictions on air transport into or out of the Libyan Arab Jamahiriya of military goods or other cargo covered by the sanctions and the ban on flights in Libyan airspace and the exceptions thereto.

For the purpose of implementing paragraph 15 of Security Council resolution 1970 (2011), the relevant authorities of the Republic of Belarus are taking the necessary measures under existing legislation to prevent the individuals listed in the annexes to Security Council resolutions 1970 (2011) and 1973 (2011) from entering or transiting through Belarusian territory.

Those individuals have been entered into the automated aviation security information retrieval system to enable their early detection during pre-flight security checks when transiting through the Republic of Belarus by air.

Financial organizations have been instructed to ensure that their operations comply with paragraph 17 of Security Council resolution 1970 (2011) in relation to the provision of financial services, transactions involving financial assets and resources, and relations with financial institutions and banks in the Libyan Arab

Jamahiriya, and to inform officials of any financial transactions they may detect that fall under the resolution and of the measures taken.

A request was sent by Belarus to the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya seeking clarification of paragraph 19 of Security Council resolution 1973 (2011). Belarus is acting in accordance with the information received from the Committee.

United Nations S/AC.52/2011/46

Security Council

Distr.: General
21 July 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 15 July 2011 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Czech Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to report on the steps taken by the Czech Republic with a view to implementing effectively paragraphs 9, 10, 15 and 17 of the resolution.

The above-mentioned paragraphs are implemented in the Czech Republic through European Council decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya. Restrictive measures requiring uniform application by economic operators in all European Union member States are implemented by Council regulation No. 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya.

11-54732 (E) 241011

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United Nations S/AC.52/2011/47

Security Council

Distr.: General
21 July 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 18 July 2011 from the Permanent Representative of Malaysia to the United Nations addressed to the Chair of the Committee

I have the honour to refer to your letter of 25 March 2011, requesting Member States to comply with the obligations set forth in paragraph 25 of Security Council resolution 1970 (2011) and to report to the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya on the steps taken with a view to implementing that resolution.

I have the further honour to attach herewith the Government of Malaysia's response to the Committee (see annex), and to request that it be circulated to Member States of the United Nations.

(*Signed*) Hussein **Haniff**
Ambassador
Permanent Representative of Malaysia

11-55785 (E) 281011

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Annex to the letter dated 18 July 2011 from the Permanent Representative of Malaysia to the United Nations addressed to the Chair of the Committee

Report of the Government of Malaysia submitted pursuant to Security Council resolutions 1970 (2011) and 1973 (2011)

1. Malaysia remains committed to the implementation of the provisions of Security Council resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya.

2. In this regard, Malaysia is pleased to submit to the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya the steps which Malaysia has taken with a view to implementing the obligations contained in resolutions 1970 (2011) and 1973 (2011) that are applicable to Malaysia.

Evacuation

3. From 23 February to 2 March 2011, Malaysia successfully evacuated 130 of its nationals and 2,642 foreign nationals of Pakistan, United Kingdom, India, Thailand, Philippines and Bangladesh from Libya during its evacuation mission.

Arms embargo

4. Malaysia, through its relevant ministries and agencies, conforms to the arms embargo imposed by resolutions 1970 (2011) and 1973 (2011). A number of domestic laws are already in place which may be utilized to prosecute perpetrators of arms related offences. These include:

(a) The Corrosive and Explosive Substances and Offensive Weapons Act (1958), which criminalizes the possession of corrosive and explosive substances and the carrying of offensive weapons;

(b) The Arms Act (1960), which criminalizes the possession or use of arms and ammunition without relevant licences and permits;

(c) The Customs Act (1967), which regulates the import and export of all goods, including prohibited materials under treaty obligations;

(d) The Strategic Trade Act (2010), which authorizes the enforcing agencies to investigate and prosecute the alleged individuals involving export of weapons and dual-use equipment used specifically in the development of weapons of mass destruction.

5. Malaysia views seriously its obligations to the international community. To this end, Malaysia has included Libya in the list of Restricted End Users on which it has imposed an arms embargo and which need to be granted a transit permit for the trading of military equipment under the Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010.

Travel ban

6. The Immigration Department of Malaysia takes necessary measures to prevent entry into or transit through its territories of the individuals as designated by the Committee according to the applicable domestic laws and regulations.

Assets freeze

7. Malaysia has issued circulars to all relevant financial institutions in order to freeze funds, other financial assets and economic resources that are directly or indirectly owned or controlled by those individuals designated by the Committee in accordance with the applicable provisions of the Central Bank of Malaysia Act (2009) and the Exchange Control Act (1953).

8. It was reported that the Central Bank of Libya is one of the shareholders of the Arab Insurance Group, an insurance company that is headquartered in Bahrain and has a branch located in Labuan. In this connection, the Labuan Financial Services Authority, a regulatory body that spearheads and coordinates efforts to promote and develop Labuan as an international business and financial centre, reported that the Insurance Group has taken the necessary measures to ensure that funds owned by the Central Bank of Libya are frozen in compliance with the two Security Council resolutions.

Ban on flights

9. Malaysia will scrutinize any landing or overflight permission application by any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies.

10. Malaysia reaffirms its commitment to its obligations under the Charter of the United Nations and stands ready to extend its cooperation to the Panel of Experts and the Committee.

United Nations S/AC.52/2011/48

Security Council

Distr.: General
27 July 2011
English
Original: Spanish

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 21 July 2011 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and refers to his note of 25 March 2011. With regard to the steps Colombia has taken for the effective implementation of paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011), the Permanent Mission wishes to inform him of the following:

Colombia has transmitted to its competent national authorities the two Security Council resolutions (1970 (2011) and 1973 (2011)) having to do with sanctions imposed on the Libyan Arab Jamahiriya, so that they will be aware of their provisions and take any action required.

In addition, the Government has established an Inter-Agency Committee responsible for complying with the requirements of those sanctions resolutions. This Committee, a standing consultative body which exchanges information and technical advice on issues relating to the different kinds of sanctions imposed by the Security Council, comprises the:

- Ministry of the Interior and Justice;
- Ministry of Foreign Relations;
- Ministry of Defence;
- Ministry of Trade, Industry and Tourism;
- Ministry of Mines and Energy;
- Administrative Department of Security;
- Public Prosecutor's Office;
- National Taxation and Customs Authority;
- Intelligence and Financial Analysis Unit;

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- Military Industry of Colombia;
- Arms Trade Control Department;
- Office of the Superintendent of Notarial and Registry Offices;
- Office of the Superintendent of Finance; and the
- Office of the Superintendent of Corporations.

To date, the Government has taken appropriate steps to implement, in accordance with its domestic legal system, the measures called for in resolution 1970 (2011). No specific instances of arms transfers or sales to the Libyan Arab Jamahiriya have thus far occurred, nor any instances of the entry or transit of individuals designated in the annexes to the Security Council resolutions in question, nor have any assets been frozen.

United Nations S/AC.52/2011/49

Security Council

Distr.: General
1 August 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 18 July 2011 from the Permanent Mission of Lebanon to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya, and, with reference to the latter's note dated 25 March 2011, has the honour to forward herewith the report of the Special Investigation Commission (Fighting money-laundering)/Banque du Liban (Lebanese Central Bank) regarding the steps taken by the Government of Lebanon to implement resolution 1970 (2011) (see annex). The Permanent Mission of Lebanon will forward any further information on the implementation of resolution 1970 (2011) from other Lebanese competent authorities.

11-55773 (E) 271011 021111

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Annex to the note verbale dated 18 July 2011 from the Permanent Mission of Lebanon to the United Nations addressed to the Chair of the Committee

[Original: Arabic]

Confidential

Banque du Liban
Special Investigation Commission
(Anti-Money-Laundering)

Beirut, 24 June 2011

Decision No. 2/25/12/2011

The Special Investigation Commission of the Banque du Liban,

Having considered Security Council resolution 1970 (2011) of 26 February 2011,

Following deliberation,

Decides unanimously on the following:

I. All accounts of the Central Bank of Libya and the Libyan Foreign Bank at the North Africa Commercial Bank SAL shall be frozen and banking secrecy shall be lifted from those accounts with respect to the competent judicial authorities.

II. The Secretary of the Commission shall send true copies of the present Decision to the following:

- The Prosecutor General of Lebanon;
- The Chairman of the Higher Banking Commission;
- The bank concerned;
- The entities concerned.

Adopted on 23 June 2011.

(*Signed*) Riad Toufic **Salameh**
Chairman of the Commission
Governor of the Banque du Liban

Copy to:

Secretary of the Commission

Confidential

Banque du Liban
Special Investigation Commission
(Anti-Money-Laundering)

Beirut, 18 April 2011

Decision No. 2/44/6/2011

The Special Investigation Commission of the Banque du Liban,

Having considered Security Council resolution 1970 (2011), adopted on 26 February 2011, and resolution 1973 (2011), adopted on 17 March 2011, concerning the Libyan authorities,

Having considered the Secretary's report,

Following deliberation,

Decides unanimously on the following:

To freeze all trading activity in the share held by:

- The Libyan Foreign Bank of the capital of the North Africa Commercial Bank SAL, amounting to 298,687 shares;
- The Libyan Foreign Bank of the capital of Demorico Holding SAL, amounting to 645 shares;
- To freeze trading in the 64.5 per cent stake, or approximately 838 shares, held by Demorico Holding SAL of the capital of the North Africa Commercial Bank SAL.

Adopted on 14 April 2011.

(*Signed*) Riad Toufic **Salameh**
Chairman of the Commission
Governor of the Banque du Liban

Copies to:

- The Prosecutor General of Lebanon
- The Banking Control Commission
- Financial Instrument Custodian and Clearinghouse for Lebanon and the Middle East (Midclear SAL)
- The bank concerned
- The entities concerned
- Secretary of the Commission
- Ministry of Foreign Affairs and Emigrants

United Nations S/AC.52/2011/49/Add.1

Security Council

Distr.: General
14 October 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 11 October 2011 from the Permanent Mission of Lebanon to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Lebanon to the United Nations, with reference to the Chair's note dated 25 March 2011 and its note dated 18 July 2011, has the honour to forward herewith the reply of the Ministry of National Defense of Lebanon regarding the steps taken by the Government of Lebanon to implement resolution 1970 (2011) (see annex).

In this regard, the Permanent Mission of Lebanon will be forwarding any further information on the implementation of resolution 1970 (2011) from other competent authorities of Lebanon.

11-54626 (E) 171011 171011

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Annex to the note verbale dated 11 October 2011 from the Permanent Mission of Lebanon to the United Nations addressed to the Chair of the Committee

[Original: Arabic]

Subject: Comment on the request for information on measures taken in implementation of Security Council resolution 1970 (2011) concerning Libya

The Lebanese Army Command notes that it is committed to the application of the paragraphs entitled "Arms embargo" and "Travel ban" contained in Security Council resolution 1970 (2011), where applicable. Most of the paragraphs refer to matters that fall within the remit of more than one security body or ministry. Ministries particularly involved are the Ministry of the Interior and Municipalities and the Ministry of Finance. The Central Bank is also concerned.

(*Signed*) Jean **Qahwaji**
Commander of the Lebanese Army

Yarze, 3 October 2011

United Nations S/AC.52/2011/50

Security Council

Distr.: General
11 August 2011

Original: English

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 10 August 2011 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Brunei Darussalam to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya and has the honour to submit the report of the Government of Brunei Darussalam on resolutions 1970 (2011) and 1973 (2011) (see annex).

11-54720 (E) 271011

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Annex to the note verbale dated 10 August 2011 from the Permanent Mission of Brunei Darussalam to the United Nations addressed to the Chair of the Committee

National report of Brunei Darussalam on the implementation of Security Council resolutions 1970 (2011) and 1973 (2011)

1. The Government of Brunei Darussalam has taken note of the adoption of Security Council resolutions 1970 (2011) and 1973 (2011) on 26 February 2011 and 17 March 2011, respectively.

2. In accordance with paragraphs 9, 10, 15 and 17 of resolution 1970 (2011) and paragraphs 13 and 19 of resolution 1973 (2011):

(a) An inter-agency meeting was convened to inform all relevant national agencies in Brunei Darussalam of their obligations and to consider implementing the relevant paragraphs of resolutions 1970 (2011) and 1973 (2011). The national agencies were also informed about the list of individuals and entities subjected to the sanctions imposed by the Security Council in the resolutions;

(b) The Royal Brunei Police Force also received an international notice from INTERPOL on 4 March 2011, pertaining to an "alert concerning possible movement of dangerous individuals and assets". The listed individuals are subject to the United Nations travel ban and assets freeze sanctions, pursuant to resolution 1970 (2011). Subsequently, appropriate departments and units under police force have been notified;

(c) Trade activities and the exchange of goods between Brunei Darussalam and the Libyan Arab Jamahiriya are minimal;

(d) The Government of Brunei Darussalam has not established relations with the Government of the Libyan Arab Jamahiriya on defence matters; hence, it does not provide technical assistance, training or any other assistance related to military activities.

3. In addition, the Government of Brunei Darussalam has in place the following legislative framework to meet its obligations under resolutions 1970 (2011) and 1973 (2011):

Arms and Explosives Act (chapter 58)

The *Arms and Explosives Act* (chapter 58) regulates the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives. Section 3(g) of the Act gives His Majesty the Sultan the power to regulate or prohibit the manufacture, possession, use, sale, purchase, storage, transport, importation and exportation of explosives or any specified class of explosives.

Section 3(q) of the Act also gives His Majesty the power to authorize any officer, either by name or in virtue of his office:

(i) To enter, inspect and examine any place, vehicle, aircraft or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a licence granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed,

used, sold, transported or imported in contravention of this Act or of the rules made thereunder;

(ii) To search for explosives therein;

(iii) To take samples of any explosive found therein, on payment of the value thereof; and

(iv) To seize, detain, remove and, if necessary, destroy any explosive found therein.

The penalty for any breach of provisions of rules under this Act shall not exceed imprisonment for a term of 15 years, a fine of $10,000 and 12 strokes of whipping.

Arms and Explosives Rules (chapter 58, R1)

The *Arms and Explosives Rules*, which is a subsidiary legislation by virtue of section 3 of the Arms and Explosives Act (chapter 58), provides for the rules regulating the manufacture, use, sale, storage, transport, importation, exportation and possession of arms and explosives.

Rule 2 of the *Arms and Explosives Rules* prohibit the possession, import or export of any guns or arms except under a licence issued by the Licensing Officer. The Licensing Officer for the purpose under these Rules is the Commissioner of Police (rule 14). Any application for the importation of guns or arms must give a description of the arms, from whom it is obtained and to whom it is to be consigned (rule 7). For exportation of guns or arms or naval, military or air force stores from Brunei Darussalam, certain particulars must be given to the Licensing Officer prior to the issuance of licence, including the nature and calibre of such guns or arms; the description and quantity; the country of destination; the name of the ship or aircraft flight in which it is intended to export; and the probable date of departure of such ship or aircraft (rule 8). For landing of any guns or arms for the purposes of trans-shipment on board of any vessel, vehicle or aircraft arriving in Brunei Darussalam must be with a Permit issued by the Licensing Officer (rule 9).

Rules 10 and 11 prohibit the manufacture etc. of guns or arms and the manufacture, possession etc. of explosives except with a licence issued by the Licensing Officer. Rule 17 provides the general penalty for the breach of any of the rules, other than rules 9, 15 or 16, with imprisonment not less than 5 years and not more than 15 years and with whipping not less than 3 strokes but not more than 12 strokes.

On the exception to arms embargo, as listed in paragraph 9 (a), (b) and (c) of resolution 1970 (2011), section 3(t) of the *Arms and Explosives Act* (chapter 58) states that it is within the power of His Majesty the Sultan to exempt any person or classes of persons from the provisions of any rules made under this Act.

Criminal Procedure Code (chapter 7)

Section 26 of the *Criminal Procedure Code* (chapter 7) provides that the officer or other person making an arrest under this Code may take from the person arrested any offensive weapons which he has about his person and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by law to produce the person arrested.

Section 390 of the same Code also provides that any member of the Royal Brunei Police Force may seize any property which is alleged or may be suspected to have been stolen, or which is found under circumstances which create suspicion that an offence has been committed, and such member, if subordinate to the officer in charge of the nearest police station, shall forthwith report such seizure to such officer.

Internal Security Act (chapter 133)

The *Internal Security Act* (chapter 133) provides for the internal security of Brunei Darussalam; the prevention of subversion; the suppression of organized violence against persons and property in specific areas of Brunei Darussalam and for matters incidental thereto.

Section 40 provides that any person, in any "security area" who carries or has in his possession or under his control any firearm, ammunition or explosive without lawful authority shall be guilty of an offence, which carries the death penalty.

Section 41 provides that any person who in any "security area" consorts with or is found in the company of another person who is carrying or has in his possession or under his control any firearm, ammunition or explosive in contravention of the provisions of section 40, in circumstances which raise a reasonable presumption that such supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence, which carries the death penalty or imprisonment for life or imprisonment for 15 years.

Section 42 provides that any person who whether within or outside a security area demands, collects, receives, provides, whether directly or indirectly any supplies (including firearms, ammunition and explosives) or is in possession of any supplies from any other person in circumstances which raise a reasonable presumption that such supplies are intended for the use of any person who intends, or is about, to act, or has recently acted, in a manner prejudicial to public security or the maintenance of public order, or that such supplies are intended for the use of any terrorist, shall be guilty of an offence, which carries the penalty of life imprisonment.

Public Order Act (chapter 148)

The *Public Order Act* (chapter 148) provides for the re-enactment of the law relating to the preservation of public order. Section 28 provides that any person, in any "special area" who carries or has in his possession or under his control any firearm, ammunition or explosive without lawful authority shall be guilty of an offence, which carries the death penalty.

Customs Order 2006

The *Customs Order 2006* provides a comprehensive law on matters relating to customs including the importation and exportation. Section 24 of the *Customs Order* prohibits landing of imported goods by sea (a) except at a legal landing place or sufferance wharf; (b) until permission to land has been received from the proper officer of customs; and (c) on days and times as may be prescribed or on other days

and times as may be granted by the proper officer of customs. It further prohibits such imported goods to be trans-shipped after having been landed or unshipped; or to be removed into any other boat or craft previously to their being landed after such goods have been put into any boat or craft to be landed. Sections 25 and 29 provide that the landing of imported goods and exportation of goods, by air, must be at and from a customs airport, respectively.

Section 31 of the *Customs Order* provides that the Minister of Finance may, by order, provide for (a) the prohibition of the importation into, or the exportation from Brunei Darussalam, either absolutely or conditionally, or from or to any specified country or place outside Brunei Darussalam, or the removal from one place to another place in Brunei Darussalam of any goods or class of goods; (b) the prohibition of importation into, or the exportation from Brunei Darussalam, or removal from one place to another place in Brunei Darussalam of any goods or class of goods, except at specified ports or places. It further provides that if any question arises as to whether any particular goods are or are not included in a class of goods appearing in an order made under this section, such question shall be decided by the Controller.

Section 107 of the *Customs Order* also gives the power to a proper officer of customs to search vessels and aircraft. The master of any vessel or the pilot of any aircraft refusing to allow such officer to board or search such vessel or aircraft or refuse to give information or produce documents on demand shall be guilty of an offence.

Section 115 of the *Customs Order* provides that an officer of customs may, in any place either on land or in territorial waters, seize all goods in respect of which there has been or there is a reasonable cause to suspect that an offence has been committed against this Order or any breach of provision of the Order, or of any restriction or condition imposed on any licence or permit which has been granted, together with any receptacle, package, conveyance, vessel not exceeding 200 tons net registered tonnage, or aircraft, in which the same may have been found or which has been used in connection with such offence or breach, and any book or document which may reasonably be believed to have a bearing on the case.

Section 118 of the *Customs Order* provides that any officer of customs may arrest without warrant:

(a) Any person found committing or attempting to commit, or employing or aiding any person to commit, or abetting the commission of, an offence against the Order;

(b) Any person whom he may reasonably suspect to have in his possession any uncustomed or prohibited goods or any goods liable to seizure under the Order; and

(c) Any person against whom a reasonable suspicion exists that he has been guilty of an offence against the Order.

Merchant Shipping Order 2002

Section 43 (1) provides that the Registrar may close the registry of a Brunei Darussalam ship (except in relation to any unsatisfied mortgages entered therein)

and cancel its certificate of registry for any contravention of any of the provisions of this Order or any international convention applicable to Brunei Darussalam.

The Registrar may close the registry of a Brunei Darussalam ship (except in relation to any unsatisfied mortgages entered therein) and cancel its certificate of registry if the Registrar is satisfied that it is not in the public interest for the ship to continue to be registered as a Brunei Darussalam ship.

Where the registry of a ship is closed under this section, the registered owner of the ship at the time of the closure shall, within 30 days of the closure, deliver up the certificate of registry to the Registrar for cancellation and if he fails to deliver up the certificate of registry within the specified period, he shall be guilty of an offence and liable on conviction to a fine not exceeding BND$ 10,000.

Under section 201(1) of the *Merchant Shipping Order 2005*, a person so authorized by the Order may, at any time, for the purposes of this Order:

(a) Go on board any ship and inspect and examine the ship or any part thereof or its equipment;

(b) Enter and inspect any premises;

(c) Require and enforce the production of any book, certificate or document relating to any ship or persons on board the ship;

(d) Muster the crew and passengers of any ship;

(e) Summon any person before him and require him to answer questions; and

(f) Require any ship to be taken into a dock for the purpose of surveying the hull.

Immigration Act (chapter 17)

The *Immigration Act* (chapter 17), which regulates immigration into Brunei Darussalam, provides the Controller of Immigration the power to prohibit the entry of certain classes of persons into Brunei Darussalam, such as any person who, in consequence of information received from any source deemed by the Controller to be reliable, or from any government, through official or diplomatic channels, is deemed by the Controller to be an undesirable immigrant (section 8(2)(k)).

The Immigration and National Registration Department, with the recommendation from the Government agencies, identifies any foreign party, who has been confirmed to be involved in such acts to be put on a list of foreign nationals prohibited from entering the territory of Brunei Darussalam.

Section 9 of the *Immigration Act* provides that the Minister of Home Affairs with the approval of His Majesty, may, by order where he deems expedient to do so in the interests of public security or by reason of any economic, industrial, social, educational or order conditions in Brunei Darussalam to:

(a) Prohibit, either for a stated period or permanently, the entry or re-entry into Brunei Darussalam of any person or class or persons;

(b) Limit the number of persons of any class who may enter Brunei Darussalam within any period specified in the order; and

(c) Limit the period during which any person or class or persons entering or re-entering Brunei Darussalam may remain therein:

Provided always that no order made under the provisions of these paragraphs, except an order made in the interests of public security, shall apply to any person outside Brunei Darussalam at the time when such order is made and who is in possession of valid residence or re-entry permit lawfully issued to him.

Section 28 of the *Immigration Act* provides that any person who arrives in Brunei Darussalam from any place outside Brunei Darussalam or who is about to leave Brunei Darussalam by sea, land or air for any place outside Brunei Darussalam, shall fully and truthfully answer all questions and enquiries out to him by a Senior Immigration Officer tending directly or indirectly to establish his identity, nationality or occupation or bearing on any of the restrictions contained in this Act or in any regulations made thereunder or any absolute or conditional liability on his part to any military, naval or air force service under any state or country whatsoever, and shall disclose and produce to any such officer on demand all documents in his possession relating to such matters.

Section 28(3) provides that any such person shall be guilty of an offence if he:

(a) Refuses to answer any question or enquiry put to him under this section;

(b) Knowingly gives any false or misleading answer to any such question or enquiry or knowingly makes a false or misleading statement to a Senior Immigration Officer;

(c) Refuses or fails to produce any document in his possession when required to do so under this section; or

(d) Knowingly produces any false or misleading document.

Section 31 of the *Immigration Act* further provides for the removal of prohibited immigrants from Brunei Darussalam, where it states that, if during the examination of any person arriving in Brunei Darussalam or after such enquiry as may be necessary such person is found to be a prohibited immigrant the Controller shall, subject to the provisions of any regulations made under this Act, prohibit such person from disembarking or may in his discretion detain him at an immigration depot or other place designated by the Controller until an opportunity arises to return him to his place of embarkation or to the country of his birth or citizenship.

Autoriti Monetari Brunei Darussalam Order 2010

The Autoriti Monetari Brunei Darussalam Order 2010 which establishes the Autoriti Monetari Brunei Darussalam ("the Authority") acts as a central bank of Brunei Darussalam and is established to formulate and implement monetary policy, to advise the government of monetary arrangements and to supervise financial institutions and to provide for the transfer to it certain other functions and assets of the Government.

Section 56 of the Order gives the Authority the power to exercise and perform all the functions and duties conferred or imposed on the Authority under the written laws set out in the First Schedule of the Order including:

The Anti-Terrorism (Financial and Other Measures) Act (chapter 197)

The Banking Order 2006

The Criminal Conduct (Recovery of Proceeds) Order 2000

The Finance Companies Act (chapter 89)

The Islamic Banking Order 2008

Finance Companies Act (chapter 89)

Section 26 of the *Finance Companies Act* (chapter 89) states that the Authority may inspect under conditions of secrecy, the books, accounts and transactions of any finance company and of any branch, agency or office outside Brunei Darussalam opened by a finance company incorporated in Brunei Darussalam.

Banking Order 2006

Section 54 of *Banking Order 2006* provides that the Authority may, at any time, make an investigation, under conditions of confidentiality, of the books, accounts and transactions of any bank in Brunei Darussalam, if it has reason to believe that any bank:

(a) Is carrying on its business in a manner likely to be detrimental to the public interest or the interests of the creditors or depositors of such bank;

(b) Has insufficient assets to cover its liabilities to the public; or

(c) Is contravening any provision of this Order.

Anti-Terrorism Order 2011

The *Anti-Terrorism (Financial and other Measures) Act* (chapter 197) has been repealed and it was replaced by *Anti-Terrorism Order 2011* which came into force on 18 July 2011. Under this Order, Brunei Darussalam has enacted the following provisions to safeguard against the possibility of terrorism financing:

- Section 4 criminalizes the provision and collection of property to commit terrorist acts;
- Section 5 criminalizes the provision of services for commission of terrorist acts;
- Section 6 criminalizes the use of property for the commission of terrorist acts;
- Section 7 criminalizes the arrangement for acquisition, retention or control of terrorist property;
- Section 8 criminalizes any dealing with terrorist property;
- Section 9 criminalizes the soliciting and giving support to terrorist groups for commission of terrorist acts; and
- Section 13 criminalizes the abetment, promotion or solicitation of property for commission of terrorist acts.

Part V of Anti-Terrorism Order 2011 provides for the provision and sharing of information empowering the Financial Intelligence Unit to receive and disseminate

suspicious transaction reports for the purposes of combating terrorism financing as well as creating obligations on financial institutions and designated non-financial businesses and professions to report suspicious transaction reports. The Order also contains provisions allowing financial intelligence to be shared and received between foreign counterparts.

Section 66 of the Order provides powers for the relevant regulatory or supervisory authority to issue such directions and guidelines to any person or any class of person under their regulation or supervision as they consider necessary in order to discharge or facilitate the discharge of any obligation by virtue of a resolution or decision of the United Nations Security Council relating to terrorism.

Section 67 of the Order empowers the Authority to issue such directions or make such regulations concerning any person or any class of person as the Authority considers necessary for the prevention of financing of terrorism.

Geneva Conventions Order 2005

The *Geneva Conventions Order 2005* is an Order to give effect to the four Geneva Conventions, where each Convention covers the protection of a specific category of persons:

- Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
- Convention for the Convention for Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea
- Convention relating to the Treatment of Prisoners of War
- Convention relating to the Protection of Civilian Persons in Time of War

The common article 1 to the four Geneva Conventions requires that State Parties, in all circumstances, not only "respect", but also "ensure respect for" humanitarian law. States not party to an armed conflict are also required under the common article 1 to neither encourage a party to violate international humanitarian law nor to take action that would assist in such violation. In other words, article 1 requires States to take appropriate steps or measures against parties to a conflict who are violating international humanitarian law.

The *Geneva Conventions Order 2005* also gives effect to the Additional Protocols to the four Conventions above signed at Geneva on 10 June 1977:

- Additional Protocol I on the protection of victims of international armed conflicts
- Additional Protocol II on the protection of victims of non-international armed conflicts

Ports Act (chapter 144)

Under section 21 of the *Ports Act* (chapter 144), His Majesty the Sultan may prohibit and, if necessary, prevent any vessel from entering and remaining in the waters of Brunei if His Majesty is of the opinion that it would not be in the interests of Brunei for such vessel to enter or remain in Brunei Darussalam.

Section 22(1)(m) of the *Ports Act* provides that His Majesty the Sultan and Yang Di-Pertuan also may make regulations for providing for inspection of vessels in a port and regulating the manner in which vessels shall be boarded and such inspection carried out.

Section 22(2) of the *Ports Act* provides that His Majesty the Sultan and Yang Di-Pertuan also has the power to make regulations for the conveyance, loading, discharging and storage of dangerous goods within the waters of Brunei or within limits of a port, and in particular, for classifying goods as dangerous goods (section 22(2)(a)); prohibiting the loading or discharging of dangerous goods at places where such loading or discharging appears specially dangerous to the public (section 22(2)(m)).

"Dangerous goods" mentioned above includes aquafortis, vitriol, naptha, benzene, gunpowder, lucifer matches, nitroglycerine, petroleum, and explosives as defined under the *Arms and Explosives Act* (chapter 58) and any other goods which His Majesty the Sultan may, by regulation, declare to be dangerous goods.

Civil Aviation Order 2006

Under section 21 of the *Civil Aviation Order 2006*, the prohibited activities under this provision include carrying aboard an aircraft explosives, weapons, ammunition, poisons, flammable substances, radioactive or highly magnetic materials, oxidizing substances, corrosives, substances having a strong odour and other goods considered dangerous and any other activity which is prohibited by the Director (of civil aviation) as is necessary in the interests of safety or which is otherwise required by the public interest.

United Nations S/AC.52/2011/51

Security Council

Distr.: General
19 September 2011
English
Original: French

Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 25 August 2011 from the Permanent Mission of Togo to the United Nations addressed to the Chair of the Committee

With reference to the note verbale dated 25 March 2011 regarding the implementation of Security Council resolution 1970 (2011) concerning the Libyan Arab Jamahiriya, the Permanent Mission of Togo has the honour to inform you that the relevant authorities of Togo have taken the necessary measures to freeze the assets of individuals subject to sanctions, pursuant to the recommendations of the Governor of the Central Bank of West African States dated 30 June 2011 and to paragraphs 9, 10, 15 and 17 of the resolution.

11-50480 (E) 200911 200911

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